

BOARD OF ADJUSTMENT AGENDA

REGULAR MEETING

MONDAY, JANUARY 27, 2014

4:30 P.M.

CITY COUNCIL CHAMBERS



1. Meeting Called to Order.
2. Roll Call, Determination as to Legality, Notice of Meeting and Agenda.
3. Reading of the Minutes of the December 30, 2013 Regular Meeting.
4. Public comment period. The general public is invited to address the Board of Adjustment regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Continued consideration of request of Barry S. and Lorri A. Taylor to construct a detached garage with insufficient rear yard setback and insufficient separation distance at Woodcliff Lakes, 980 County Road W, Lot S-92, Saunders County, Nebraska. Article 4, Table 4-2. RL – Lake and River District.
6. Elect new chairman per the Board of Adjustment's by-laws.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV AND DISTRIBUTED TO THE BOARD OF ADJUSTMENT, MAYOR AND CITY COUNCIL ON JANUARY 22, 2014 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT 400 EAST MILITARY, 3RD FLOOR. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE COUNCIL CHAMBERS ENTRANCE DOOR BY THE AGENDAS. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

STAFF REPORT

TO: Board of Adjustment

FROM: Rian Harkins, AICP, Planning Director

DATE: 10 December 2014

SUBJECT: Variance to construct a detached garage with insufficient rear yard setback and insufficient separation requirements at Woodcliff Lakes, 980 County Road W, Lot S-92 Saunders County, Nebraska (Taylor)

Recommendation: Staff recommends approval.

Request:

The applicant requests a variance of the side yard setback requirements for a parcel that is in the Woodcliff Lake area that is zoned RL Lake and River Residential

Background

The property is located in the City's ETJ in Saunders County. The parcel is at the end of Cedar Lane adjacent to lake area on 2 sides. The proposed garage is to be situated 3 feet from the property line if the variance is approved. Current zoning requirements are that accessory buildings be 5 feet from the rear lot line and 10 feet from the side lot line. The applicant is proposing to keep the garage 5.6 feet from the deck of the existing house.

Because of the layout of smaller lots in the original platting pattern, the fact that the rear lot line (per the zoning ordinance) is opposite of the front lot line (the lake side in this zoning district), and the difficulty to maintain the current setback requirements, staff is recommending approval of the variance.

The Board deferred this item from its December 2013 meeting to gain additional information. The applicant since then has stated their intent is to tear down the existing home and erect a new residence on the property as well as a new garage.

Required findings:

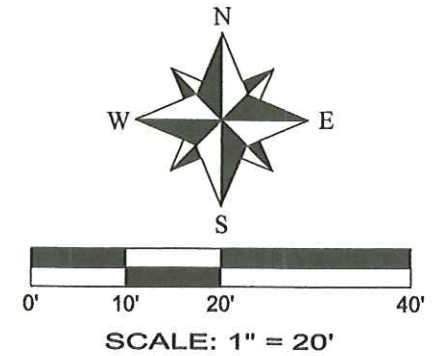
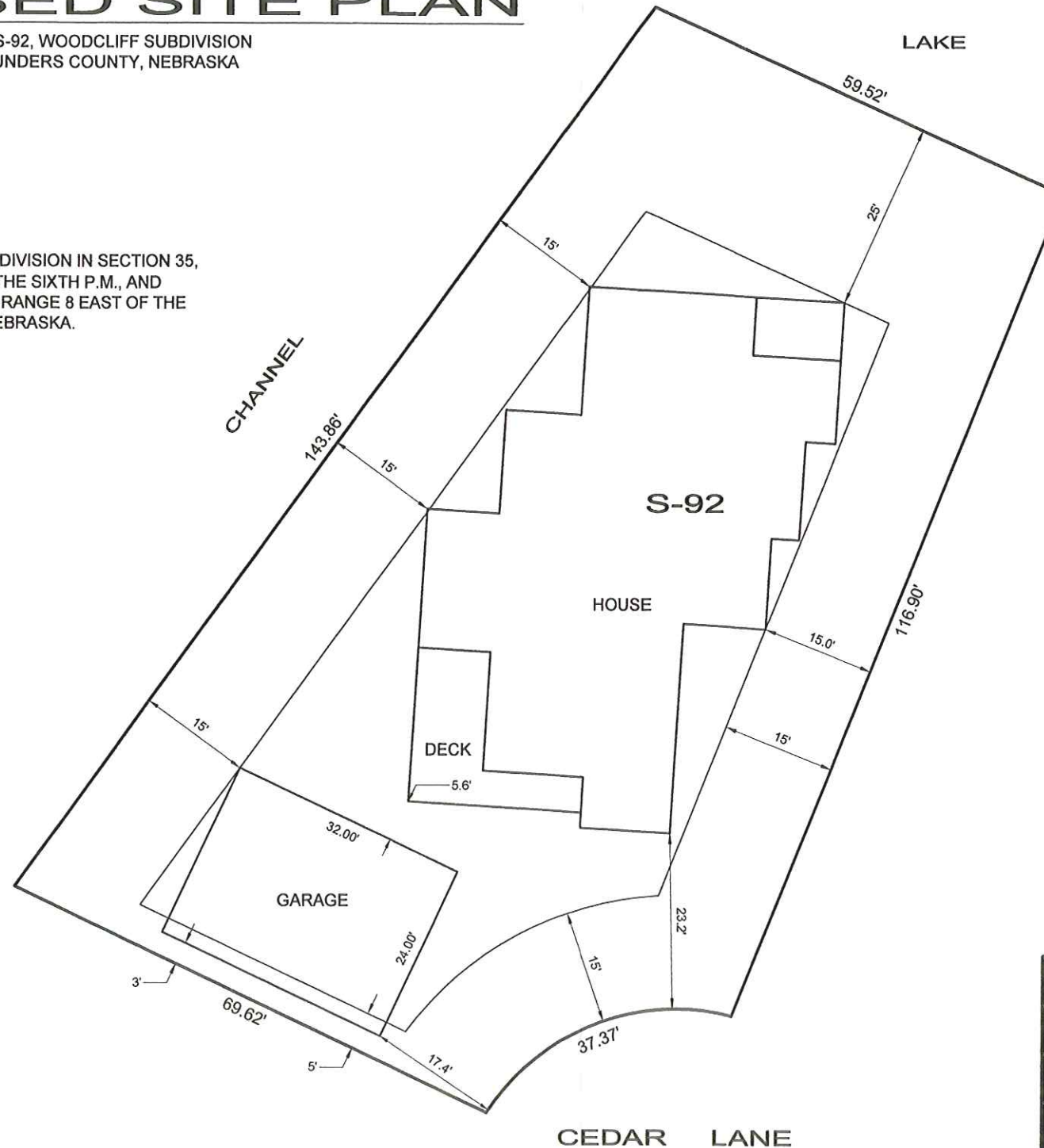
- (a) The strict application of the zoning regulations will produce undue hardship.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to these Zoning Regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

PROPOSED SITE PLAN

LOT S-92, WOODCLIFF SUBDIVISION
SAUNDERS COUNTY, NEBRASKA

LEGAL DESCRIPTION:

LOT S-92, LAKE SKI-DI, WOODCLIFF, A SUBDIVISION IN SECTION 35,
TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., AND
SECTIONS 1 AND 2, TOWNSHIP 16 NORTH, RANGE 8 EAST OF THE
SIXTH P.M., ALL IN SAUNDERS COUNTY, NEBRASKA.



APEX
LAND SURVEYING, LLC

Danny Martinez, RLS
125 N. Clamar Ave.
Fremont, Nebraska 68025
(402) 720-9339 Office / Mobile
danm.surveying@gmail.com

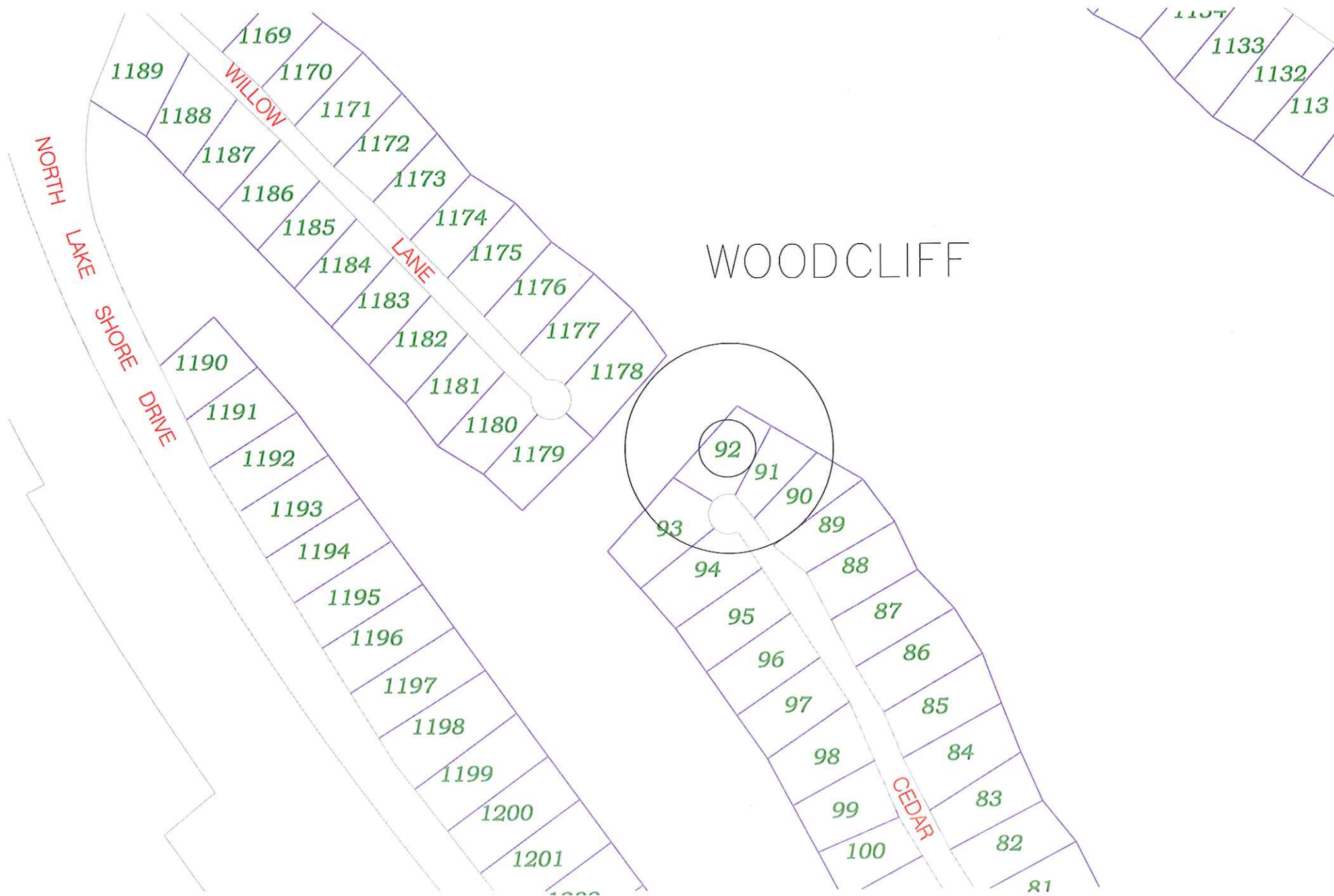
Client: Jordan Michael Homes	
Date: 11/26/13	Project No.: Taylor-S92-Woodcliff-SaundersCo
Scale: 1" = 20'	Drawing File: Taylor-S92-Woodcliff-SaundersCo-SitePlan.dwg
Sheet: 1 of 1	Issue No.: 2

AG

AG

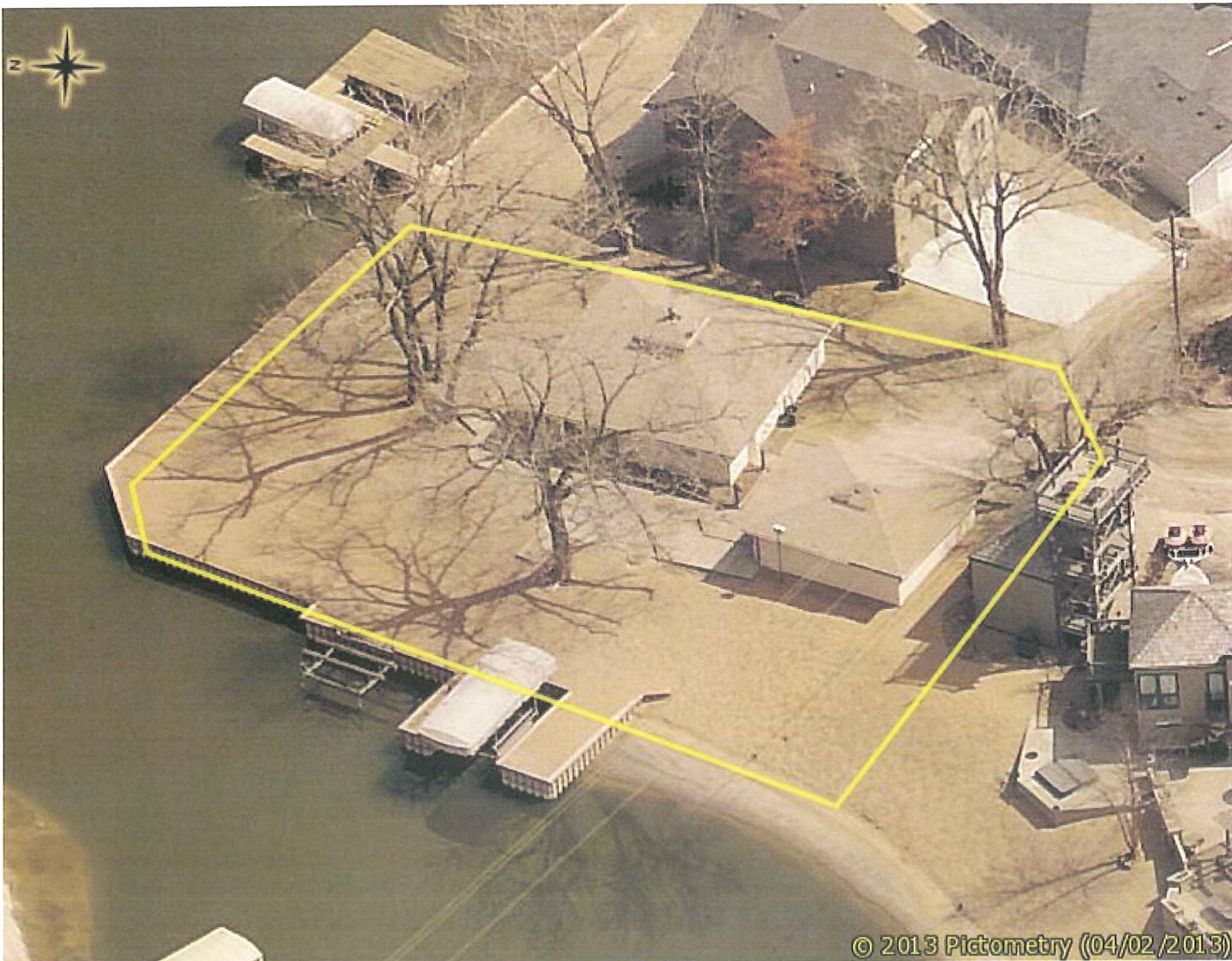
RL

2













STAFF REPORT

TO: Board of Adjustment
FROM: Rian Harkins, AICP, Planning Director
DATE: 10 January 2014
SUBJECT: Election of Chairman

Recommendation: None

This is the appointed time per the Board's by-laws to elect a new chairman.